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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/731,814	12/08/2000	Roustem Zainouline	744801-2	1797

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SQUIRE, SANDERS & DEMPSEY L.L.P
600 HANSEN WAY
PALO ALTO, CA 94304-1043

EXAMINER

VU, KIEU D

ART UNIT PAPER NUMBER

2173

DATE MAILED: 10/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/731,814

Applicant(s)

ZAINOULLINE, ROUSTEM

Examiner

Kieu D Vu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8, 13-15 and 17-29 is/are pending in the application.-----
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 13-15, 17-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This Final Office Action is in response to the Amendment filed 06/07/04.
2. Claims 1-8, 13-15, 17-29 are pending.

Claim Objections

3. Claim 20 is objected since it contains a typographical error. The limitation "ore-recorded" (line 3) should be rewritten as "pre-recorded".
-

Claim 29 is objected since it contains a typographical error. The limitation "ore-recorded" (line 23) should be rewritten as "pre-recorded".

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-8, 13-15, 17-21, 24-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stern (USP 6553404" and Hilpert, Jr. et al ("Hilpert", USP 6469712).

Regarding claim 1, Stern teaches a method for previewing media products comprising the steps of providing a preview device (Wall-of eyes 180) for previewing predetermined preview clips of a plurality of pre-recorded media products (col 20, line 67 to col 21, line 2); each preview clip comprising a less than whole portion of the associated pre-recorded media products (samples; col 21, lines 29-32); interactively indicating which of said plurality of pre-recorded media products are to be previewed

(col 21, lines 1-4); and instantly playing said preview clips of an indicated pre-recorded media product in real time (col 21, lines 1-2). Stern does not teach moving cursor of a GUI across a predefined boundary of a trigger field displayed on said GUI, said trigger field being associated with pre-recorded media product, instantly playing said preview clip of an indicated pre-recorded media product occurs upon said cursor entering said trigger field, and terminating the playing of said preview clip upon moving said cursor out of said trigger field. However, such feature is known in the art as taught by Hilpert. Hilpert teaches a projected audio for computer displays which comprises generating sound when the cursor enters a new window (Fig. 4; col 9, lines 47-48) and terminating the sound when the cursor leaves the window (inherent). It would have been obvious to one of ordinary skill in the art, having the teaching of Stern and Hilpert before him at the time the invention was made, to modify the interface method taught by Stern to include the generating 3D sound corresponding to objects at cursor position taught by Hilpert with the motivation being to enable system to quickly and conveniently play the clips.

Regarding claim 2, Stern teaches that plurality of pre-recorded media products is at least one of music, video, movie, electronic game program, and software program (col 10, lines 65-67).

Regarding claim 3, Stern teaches an accessible staging memory adapted to at least temporarily store said preview clips (col 8, lines 3-8).

Regarding claims 4-5, Stern teaches that preview clips of said plurality of pre recorded media products are stored in a media product storage device (col 20, lines 65-66).

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Regarding claim 6, Stern teaches the previewing device is a listening booth (listening post 185).

Regarding claim 7, Stern teaches that said media product storage device is a CD (col 20, lines 65-68).

Regarding claim 8, Stern teaches that previewing device is a computer and said staging memory is a portion of a hard drive (col 23, lines 56-61).

Regarding claim 13, Stern teaches moving a graphically embodied cursor of said GUI over a trigger field displayed on said GUI (col 21, lines 7-10).

Regarding claim 14, Stern teaches that each of said predetermined preview clips are segments representative of contents of one of said plurality of pre-recorded media products (col 18-25).

Regarding claim 15, Stern an interactive graphical user interface for allowing a user to preview media products. Stern does not teach the step of instantly playing said preview clip of an indicated pre-recorded media product occurs upon said cursor entering said trigger field. However, such feature is known in the art as taught by Hilpert. Hilpert teaches a projected audio for computer displays which comprises the generating 3D sound corresponding to objects at cursor position (Fig. 4) and terminating the sound when the cursor leave the position (inherent). It would have been obvious to one of ordinary skill in the art, having the teaching of Stern and Hilpert before him at the time the invention was made, to modify the interface method taught by Stern to include the generating 3D sound corresponding to objects at cursor position taught by Hilpert with the motivation being to enable system to quickly and conveniently play the clips.

Regarding claim 17, Hilpert teaches that the cursor is moved by a mouse (mouse 109).

Regarding claims 18 and 20, Hilpert teaches a textual tag adapted to be launched by a user clicking on said trigger and access to a remotely located website (col 4, lines 51-59).

Regarding claim 19, Stern teaches the retrieve and playback audio file (col 21, lines 59-61).

Regarding claim 21, Stern teaches the purchasing of pre-recorded media product (col 27, lines 48-52).

Regarding claim 24, Stern teaches that plurality of pre-recorded media products is at least one of music, video, movie, electronic game program, and software program (col 10, lines 65-67).

Regarding claim 25, Stern teaches that each of said predetermined preview clips are segments representative of contents of one of said plurality of pre-recorded media products (col 18-25).

Regarding claim 26, Stern teaches a complete version of the pre-recorded media product is played (col 20, lines 49-50).

Regarding claim 27, Stern teaches a method for previewing media products comprising the steps of providing a preview device (Wall-of eyes 180) for previewing predetermined preview clips of a plurality of pre-recorded media products (col 20, line 67 to col 21, line 2); each preview clip comprising a less than whole portion of the associated pre-recorded media products (samples; col 21, lines 29-32); interactively

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indicating which of said plurality of pre-recorded media products are to be previewed (col 21, lines 1-4); and instantly playing said preview clips of an indicated pre-recorded media product in real time (col 21, lines 1-2). Stern further teaches that preview clips and associated media product are downloaded via a network (col 3, lines 7-18). Stern does not teach moving cursor of a GUI across a predefined boundary of a trigger field displayed on said GUI, said trigger field being associated with pre-recorded media product, instantly playing said preview clip of an indicated pre-recorded media product occurs upon said cursor entering said trigger field, and terminating the playing of said preview clip upon moving said cursor out of said trigger field. However, such feature is known in the art as taught by Hilpert. Hilpert teaches a projected audio for computer displays which comprises generating sound when the cursor enters a new window (Fig. 4; col 9, lines 47-48) and terminating the sound when the cursor leaves the window (inherent). It would have been obvious to one of ordinary skill in the art, having the teaching of Stern and Hilpert before him at the time the invention was made, to modify the interface method taught by Stern to include the generating 3D sound corresponding to objects at cursor position taught by Hilpert with the motivation being to enable system to quickly and conveniently play the clips.

Regarding claim 28, Stern teaches grouping media products of the same category (genre) (col 4, lines 48-67).

Regarding claim 29, Stern teaches a method for previewing media products comprising the steps of providing a preview device (Wall-of eyes 180) for previewing predetermined preview clips of a plurality of pre-recorded media products (col 20, line

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67 to col 21, line 2); each preview clip comprising a less than whole portion of the associated pre-recorded media products (samples or segment representative of contents; col 21, lines 29-32); interactively indicating which of said plurality of pre-recorded media products are to be previewed (col 21, lines 1-4); and instantly playing said preview clips of an indicated pre-recorded media product in real time (col 21, lines 1-2). Stern teaches that plurality of pre-recorded media products is at least one of music, video, movie, electronic game program, and software program (col 10, lines 65-67). Stern teaches an accessible staging memory adapted to at least temporarily store said preview clips (col 8, lines 3-8). Stern teaches that preview clips of said plurality of pre-recorded media products are stored in a media product storage device (col 20, lines 65-66). Stern also teaches retrieving and pre-loading preview clips into staging memory of said previewing device from said media product storage device (col 3, lines 7-18). Stern teaches tags to retrieve and playback audio file (col 21, lines 59-61) and to pre-recorded media product (col 3, lines 7-18). Stern does not teach moving cursor of a GUI across a predefined boundary of a trigger field displayed on said GUI, said trigger field being associated with pre-recorded media product, instantly playing said preview clip of an indicated pre-recorded media product occurs upon said cursor entering said trigger field, and terminating the playing of said preview clip upon moving said cursor out of said trigger field. However, such feature is known in the art as taught by Hilpert. Hilpert teaches a projected audio for computer displays which comprises generating sound when the cursor enters a new window (Fig. 4; col 9, lines 47-48) and terminating the sound when the cursor leaves the window (inherent). It would have been

obvious to one of ordinary skill in the art, having the teaching of Stern and Hilpert before him at the time the invention was made, to modify the interface method taught by Stern to include the generating 3D sound corresponding to objects at cursor position taught by Hilpert with the motivation being to enable system to quickly and conveniently play the clips.

6. Claims 22-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stern, Hilpert, and Sparks et al ("Spark", USP 6167382).

Regarding claims 22-23, Stern and Hilpert do not teach a "shopping cart". However, such feature is known in the art as taught by Sparks. Sparks teaches an advertising system which comprises a "shopping cart" 80 to keep track of the products (Fig. 3, col 5, lines 48-50) to purchase products. It would have been obvious to one of ordinary skill in the art, having the teaching of Stern, Hilpert, and Sparks before him at the time the invention was made, to modify the interface method taught by Stern and Hilpert to include the "shopping cart" taught by Sparks with the motivation being to increase the user friendliness of the system.

7. Applicant's arguments filed 06/07/04 have been fully considered but they are not persuasive.

Applicant's arguments against Hilpert, Jr. reference are not persuasive. Lines 47-48 of column 9 teaches each time the cursor enters a new window, a sounds generated. Lines 50-54 in column 10 teaches determining the cursor position, determining what objects are located at cursor position, and generating corresponding sounds as cursor is moved on the screen. Therefore, it is inherent that when the cursor moves away from

an object, the sound corresponding to that object is terminated so that the cursor moves to another object, the sound corresponding to that another object is generated.

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kieu D. Vu.

The examiner can normally be reached on Mon - Thu from 7:00AM to 3:00PM at 703-605-1232 through the month of October, 2004 and at 571-272-4057 thereafter.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca, can be reached at 703-308-3116 through the month of October, 2004 and at 571-272-4048 thereafter.

The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

703-872-9306

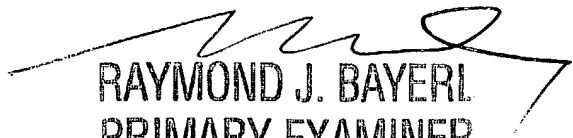
and / or:

703-746-5639 through the month of October, 2004 and 571-273-4057 thereafter (use this FAX #, only after approval by Examiner, for "INFORMAL" or "DRAFT" communication. Examiners may request that a formal paper / amendment be faxed directly to them on occasions).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703-305-3900).

Kieu D. Vu

09/30/04



RAYMOND J. BAYERL
PRIMARY EXAMINER
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